

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

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In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,  
et al.,

(Jointly Administered)

Debtors.<sup>1</sup>

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ORDER DENYING THE MOTION REQUESTING  
DECLARATORY RELIEF FILED BY MR. JAVIER MANDRY MERCADO

The Court has received and reviewed the *Motion Requesting Declaratory Relief Regarding the Ownership of Puerto Rico's Debt, Leave to Proceed in Derivative Standing Against Third-Parties on Behalf of the Bankruptcy Estate, and Related Relief* (Docket Entry No. 3475, the "Motion") filed by Javier Mandry Mercado (the "Movant"). The Motion raises numerous issues including allegations of conspiracy and alleged financial impropriety, and statutory questions regarding the interpretation of certain provisions of PROMESA. Movant seeks derivative standing and appointment to assert certain causes of actions on behalf of the estate of the Commonwealth of Puerto Rico (the "Commonwealth"). Movant also questions the applicability of the automatic stay, 11 U.S.C. § 362, to certain condemnation suits to which he is a party. Moreover, Movant requests that the Court appoint legal counsel to represent him and order that such counsel be compensated from Commonwealth funds. The relief sought in the

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.)

Motion appears to be partially duplicative of relief previously sought by Movant (Docket Entry Nos. 634, 822) and denied by the Court (Docket Entry Nos. 712, 844). Movant has filed notices of appeal with respect to those orders. (Docket Entry Nos. 1182, 1936.)

The Court has reviewed the Motion and, mindful that it was filed pro se, affords it a liberal interpretation. However, the Court has not been able to discern a legal or factual basis for the relief sought therein. The Court has previously denied Movant's motions for reconsideration of its orders relating to stay relief concerning properties in which Mr. Mandry claims and interest (Docket Entry Nos. 712, 844); he has appealed some or all of those orders and the Motion is not a proper vehicle to relitigate any of the issues raised in those motions. Accordingly, the Court finds that it is neither appropriate nor in the best interests of the Commonwealth's estate to allow the Motion to proceed. Under the Court's inherent powers to manage its own docket, the Court denies the Motion in its entirety. See Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (stating that courts are vested with an inherent power to control and "manage their own affairs so as to achieve the orderly and expeditious disposition of cases."); see also Torres-Alamo v. Puerto Rico, 502 F.3d 20, 25 (1st Cir. 2007) (stating that "[a] district court, as part of its inherent power to manage its own docket, may dismiss a case for any of the reasons prescribed in Federal Rule of Civil Procedure 41(b).")

This Order resolves Docket Entry No. 3475 in Case No. 17-3283.

SO ORDERED.

Dated: July 11, 2018

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge